

REMARKS

Claims 27 – 32 and 48 – 53 are pending. Claims 27 – 32 and 48 – 53 have been rejected.

Claims 27, 28, and 31 have been amended. No new matter is added. Support for the amendment to claims 27 and 28 may be found at least at page 12, lines 12 – 13 of the specification.

Reconsideration is respectfully requested.

Claim Rejections – Double Patenting

The Examiner has rejected claims 27 – 32 and 48 – 53 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 14 of copending Application No. 11/877,595.

The Examiner has stated that the Terminal Disclaimer filed on April 1, 2008 was not accepted by the Office because the attorney who filed the disclaimer was not of record.

Although Applicant believes that the Terminal Disclaimer signed and filed on April 1, 2008 by William Thomas Babbitt, Reg. No. 39,591, a registered practitioner listed in the Power of Attorney that was properly filed with the present application on February 11, 2004, was entirely proper, to further prosecution, Applicant is submitting a replacement Terminal Disclaimer without a fee as Applicant has already paid the fee. Applicant also points out the Terminal Disclaimer was filed prior to the change in the Power of Attorney which occurred on May 21, 2009. Further, the prohibition of the inclusion of more than 10 individual practitioners on a Power of Attorney did not take effect until June 25, 2004, and thus the Power of Attorney filed on February 11, 2004 was entirely proper at that time.

Applicant respectfully requests the removal of the double-patenting rejection.

Conclusion

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance. Applicant respectfully requests the allowance of pending claims 27 – 32 and 48 – 53.

If necessary to ensure a timely response, this paper should be considered as a petition for an Extension of Time sufficient to provide a timely response. The undersigned authorizes the Commissioner to charge any fees that may be required, or credit of any overpayment to be made, to the **Squire, Sanders, and Dempsey Deposit Account No. 07-1850**.

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

Dated: October 5, 2009
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APPENDIX